

Appendix F

Universal Waste Rule Excerpts

Chapter 850, Section 3A:

(13) Special Requirements for Universal Wastes.

(a) Definition Section

- (i) **Ballast.** Ballast means a device that electronically controls light fixtures and includes a capacitor containing 0.1 kg or less of dielectric.
- (ii) **Cathode Ray Tubes.** Cathode Ray Tubes (CRTs) means a product video display component of televisions, computer displays, military and commercial radar, and other display devices.

NOTE: CRTs are believed to represent 75% of the lead in the solid waste stream. Lead, which is used to shield harmful radiation in the CRT, comprises more than 10 percent of a CRT's mass. (Life Cycle Assessment of the Disposal of Household Electronics, Tufts University Masters Thesis, August 1, 1996.)

- (iii) **Central Accumulation Facility.** Central Accumulation Facility means a facility where: (1) a generator consolidates its own universal wastes from the generator's various facilities; or (2) a licensed solid waste transfer station or recycling center where universal waste generators may take their universal wastes; or (3) a facility where less than 200 universal waste items are collected from generators that are serviced by the facility.

NOTE: Item (3) would allow sign service companies, electricians, and other service companies that service a generator's lights, and other universal waste, to take these waste back to their facilities by using a log, store them for a period of time and then transport them to an instate Consolidation facility. The instate consolidator would then take the log information and submit a Quarterly Report to the Department.

- (iv) **Certificate of Recycling.** Certificate of Recycling means a signed statement from the recycling facility which verifies that the hazardous materials contained in the universal waste were in fact recycled and contains the language specified in section 3A(13)(e)(xix)(d).
- (v) **Consolidation Facility.** Consolidation Facility means a facility where universal waste is consolidated and temporarily stored while awaiting shipment to a recycling, treatment or disposal facility. This facility is typically where a central accumulation facility will send its waste initially.
- (vi) **Lamp.** Lamp means a bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, and infra-red regions of the electromagnetic spectrum. Examples of lamps are fluorescent lamps, high intensity discharge lamps, neon lamps, mercury vapor lamps,

high pressure sodium lamps and metal halide lamps. Lamp includes both lamps that fail the Toxicity Characteristic Leaching Procedure (TCLP) and those that contain mercury but pass the TCLP.

- (vii) **Mercury Device.** Mercury Device means a manufactured item that has mercury added. Examples of mercury devices are mercury thermometers, mercury manometers, sphygmomanometers, and mercury switches. The term does not include a motor vehicle mercury switch.
- (viii) **Mercury Switch.** Mercury Switch means a mercury added manufactured item that uses metallic mercury to measure, control or regulate the flow of gas, fluids or electricity.
- (ix) **Mercury Thermostat.** Mercury Thermostat means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element.
- (x) **Motor Vehicle Mercury Switch.** Motor Vehicle Mercury Switch means a mercury switch used in a motor vehicle. It includes mercury light switches used to turn a light bulb or lamp on and off and a mercury switch used in anti -lock braking systems.
- (xi) **Recycling Center.** "Recycling Center" means a publicly owned or publicly contracted facility that primarily handles municipal recyclables and that receives pre-separated, uncontaminated, used paper, cardboard, glass, plastic, metal, and universal wastes. A recycling center is not a recycling facility.
- (xii) **Recycling Facility.** "Recycling Facility" means a facility where universal wastes are dismantled, hazardous constituents recovered, reclaimed or separated for reuse.
- (xiii) **Small Universal Waste Generator.** Small Universal Waste Generator means a person or entity that generates or accumulates on site no more than 200 universal waste items, including batteries as described in 850,3A(14) or 4,000 motor vehicle mercury switches at a time or in any given month, and the total weight must be no more than 40 tons of cathode ray tubes or 5,000 kg for all other universal wastes including batteries. A one time generation of lamps under a Green Lights or other similar energy conversion program that is completed within six months or a mercury thermometer collection event, is exempt from the 200 item count provided no more than 5,000 kg of universal waste are generated and it is managed in accordance with the standards for a Green Lights Program or mercury thermometer collection event in Section 3A(13)(i).

NOTE: 5,000 kg approximately equals 20,000 lamps.

40 tons of Cathode Ray Tubes (CRT's) approximately equals 4,000 CRT's

An anti-lock brake system is considered one universal waste unit even though it may contain up to three mercury switches per unit.

(b) Universal Wastes are:

- (i) Cathode ray tubes;
- (ii) Lamps;
- (iii) Mercury Devices;
- (iv) Mercury thermostats;
- (v) Motor Vehicle Mercury Switches
- (vi) Totally enclosed, non leaking polychlorinated biphenyl (PCB) ballast;

NOTE: Only mercury-containing lamps or lamps otherwise hazardous are included as universal wastes.

NOTE: Batteries are managed as universal waste in accordance with section (14).

(c) Generators, owners or operators of any central accumulation or consolidation facility, and transporters of universal wastes are prohibited from conducting the following activities:

- (i) Disposing, diluting or treating universal wastes,

NOTE: The intentional breaking of universal wastes including Cathode Ray Tubes is a form of treatment, and is therefore prohibited at locations other than the recycling facility.

- (ii) Sending a universal waste to any facility other than a central accumulation facility, a consolidation facility for universal waste, an approved recycling facility for universal wastes, or in the case of ballasts and the residues from mercury spill kits to an approved disposal or treatment facility.

NOTE: Generators that self-transport waste must comply with universal waste transporter requirements, as provided in Section 11 of Chapter 853.

NOTE: Chapters 854 and 856 apply to a universal waste recycling facility.

(d) Household hazardous waste, which meets the description of universal waste in Section 3A(13)(b) but which is exempt under Section 3A(4)(a)(vii), when combined or mixed with universal wastes is no longer exempt and must be managed in accordance with the universal waste requirements of Chapter 850, 851, 853, 856 and 857.

(e) All generators of universal wastes must comply with either the full Hazardous Waste Management Rules or the following alternative generator standards, except as provided in Section i below for mercury containing lamps (i.e. those that are below the TCLP limit for mercury) and in section xxi below for small universal waste generators.

- (i) Determine whether the waste generated is hazardous in accordance with Section 5 of Chapter 851 and after July 15, 2002, pursuant to 38 MRSA § 1663 determine that all mercury containing lamps are a universal waste; and

NOTE: On or before July 15, 2002, only mercury containing lamps that fail the TCLP test are universal wastes. However the Department encourages the management of all mercury containing lamps, regardless of the TCLP test results, in accordance with the universal waste rules. Prior to July 15, 2002 a generator can avoid determining whether or not its lamps are hazardous by electing to manage all of its mercury containing lamps under the universal waste rules. After July 15, 2002, all non-household mercury containing lamps are universal wastes as required by statute, regardless of TCLP test results.

- (ii) Determine whether the waste is a universal waste under section 13(b) above;

NOTE: If a hazardous waste is not eligible for regulation under the universal waste rules, then the full hazardous waste management rules apply.

- (iii) Properly track the universal waste via a manifest in accordance with Chapter 857 or via a Recyclable Hazardous Material Uniform Bill of Lading in accordance with Section 6B of Chapter 857. For the reduced shipping requirements for small universal waste generators and central accumulation facilities, see section (xxi) and (f) below;
- (iv) Utilize a licensed transporter in accordance with Section 7 of Chapter 851 or a common carrier in accordance with Section 10B of Chapter 853;
- (v) Transport or offer for transport, universal waste only to a facility authorized to handle the waste under a state program, and which is authorized to handle the waste under the federal hazardous waste regulatory program, if applicable, and which is one of the types of facilities named in (13)(c)(ii) above;
- (vi) Store all universal waste in containers. Containers must not show evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions. The containers must be closed, structurally sound, compatible with the content of the waste, and must not be leaking, spilling, dented or damaged such that it could cause leakage under reasonably foreseeable conditions;
- (vii) Immediately contain and transfer all releases of waste and residues resulting from spills or leaks from broken or ruptured universal waste to a container that meets the requirements of the Maine Hazardous Waste Management Rules, except that waste and residues from incidental breakage may still be managed as a universal waste;
- (viii) Determine by testing, or handle as hazardous, clean up residues resulting from spills or leaks from events other than incidental breakage of lamps or CRTs in accordance with Maine Hazardous Waste Management Rules including generator accumulation time limit, storage and disposal standards, and count this waste toward the determination of hazardous waste generator status;
- (ix) Train all employees and contractors who handle or have responsibility for managing universal wastes on proper handling and emergency procedures. Maintain the documentation of employee and contractor training. The documentation shall include the name of the person receiving the training, the date of the training and the information covered during the training;

- (x) Conduct weekly inspections of universal waste storage areas and maintain a written inspection log to document the inspections. The log must include the name of the inspector, date of inspection, condition of waste containers and descriptions of actions taken to address any problem discovered during the inspection. The number of universal wastes (i.e.: number of lamps, thermostats) must be maintained onsite;

NOTE: The generator may find the inspection log to be the easiest way to keep track of the number of universal wastes onsite.

- (xi) Store universal waste in a secured area which can be locked when not in use;
- (xii) Label each container with an accumulation start date and the date the container becomes full;
- (xiii) Store universal wastes for no more than one year from the date the waste is first placed in the container. A generator may store waste for more than one year only if the generator stores the waste for no more than 90 days from the date the container becomes full when the activity is solely for the purposes of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment or disposal. The handler bears the burden of proving that such activity was solely for the purposes of accumulation of such quantities as necessary to facilitate proper recovery, treatment or disposal. For the purposes of the accumulation of the following waste in containers no larger than the following capacities, the accumulation time of 90 days from the container full date is deemed necessary to facilitate proper recovery, treatment or disposal:
 - a. Cathode Ray Tubes - no larger than a single gaylord container;

NOTE: A gaylord container is typically a 4'x4'x4' container that will typically contain 24 CRTs.

- b. Lamps - no larger than a 190 bulb size container;
- c. Mercury Thermostats - container of no larger than 30 gallons;
- d. Mercury Devices - containers of no larger than 55 gallons;
- e. Motor Vehicle Mercury Switches - containers of no larger than 5 gallons.
Motor Vehicle Mercury Switches must be shipped off site at least every three years regardless of whether the size limit identified in (e) in this paragraph is reached.

NOTE: This universal waste in storage will not be considered part of your hazardous waste accumulation for the purpose of your generation status.

- (xiv) Store universal waste containers and boxes with adequate aisle space to be able to inspect the containers and determine the accumulation start dates and container full dates;
- (xv) Comply with the export and import requirements of Chapter 857, Section 7D;

- (xvi) Generators that accumulate more than 4,000 motor vehicle mercury switches or 200 other items of universal wastes at any one time or in any given month must notify the Maine Department of Environmental Protection of the handling of universal wastes and must receive an EPA Identification Number, unless the generator has previously notified and the site has been assigned an EPA Identification Number. Alternatively generators that handle less than 40 tons of cathode ray tubes or 5,000 kg of other universal wastes are required to notify but may notify the Department on a state waste notification form provided by the Department in lieu of notifying EPA using the EPA form. This notification shall include the specific type of universal wastes handled by the generator. The requirement of an EPA Identification Number for those that generate or accumulate only universal waste is intended as a registration provision and does not make other sections of the hazardous waste rules applicable unless other hazardous wastes are generated or accumulated.

NOTE: A generator may obtain an EPA identification number by applying to the Department of Environmental Protection, Bureau of Remediation and Waste Management, State House Station #17, Augusta, Maine 04333-0017 using EPA form 8700-12.

NOTE: A generator or central accumulation facility that is not required to obtain an EPA identification number is required to notify the Department of its activities by submitting either a Notification of State Universal Waste Activities form or an EPA 8700-12 form to the Department of Environmental Protection at the above address.

- (xvii) Universal waste shipping requirements require that the waste be:
- a. Whole, intact, and unbroken;
 - b. In proper packaging that includes closed containers that are compatible for the type and amount of waste and that meet the US DOT standards;
 - c. Accompanied by a Recyclable Hazardous Material Uniform Bill of Lading or manifest (if applicable); and
 - d. Shipped via a common carrier or licensed hazardous waste transporter;
- (xviii) Comply with the Recyclable Hazardous Material Uniform Bill of Lading, manifest or log requirements of Chapter 857, Section 13;

NOTE: An instate small universal waste generator and an instate central accumulation facility are allowed to use the log in lieu of the manifest or bill of lading provided they are transporting to an instate consolidation facility.

- (xix) Retain the following records at the generator facility, the central accumulation facility, and the consolidation facility (where applicable);
- a. Inspection logs for at least one year from generator's shipment or facility's receipt of the universal waste;

- b. Documentation of employee or contractor training for at least three years from the date of generator shipment or facility receipt of the universal waste or for the length of employee service whichever is greater. An instate consolidation facility may maintain the record of training for small universal waste generators and central accumulation locations on behalf of these entities.
- c. Recyclable Hazardous Materials Uniform Bill of Lading or manifest for at least three years from the date of shipment or receipt of the universal waste; and
- d. Certificate of Recycling for at least three years from the date of shipment of the universal waste except in the case of ballasts and the residue from mercury spill kits. The Certificate of Recycling may be maintained at the instate consolidation facility on behalf of small universal waste generators and central accumulation facilities. The Certificate of Recycling shall be dated and signed by the recycling facility that all hazardous waste components of the universal waste have been recycled, used, reused or reclaimed as defined in Section 11A (5) of Chapter 856 within 35 days of receipt. The Certificate of Recycling must contain the following information:

Name, address and phone number of the generator and the recycling facility;

Date universal waste was picked up;

Date universal waste was recycled;

Quantity of universal waste recycled;

Tracking number which includes the original Recyclable Hazardous Materials Uniform Bill of Lading or manifest used to ship the universal waste from the generator or consolidator, and the following language:

"I certify that all parts of the hazardous material referenced in the above shipping document including the mercury and lead have been recycled, i.e. used, reused or reclaimed as defined in Chapter 856, Section 11A(5)";

(xx) Submit the following information to the Department:

- a. The original Recyclable Hazardous Materials Uniform Bill of Lading or proper manifest copies within 7 days of shipment.
- b. The quarterly universal waste report from the consolidation facility in accordance with the provisions of Chapter 857, Section 13 C(2);

(xxi) Reduced requirements for small universal waste generators:

- a. In lieu of 3A(13)(e)(iii) above, a small universal waste generator may log information at the Central Accumulation facility or instate Consolidation facility in accordance with Section 13A of Chapter 857;

- b. In lieu of 3A(13)(e)(x) above, a small universal waste generator must keep track of the number of universal waste items onsite (i.e.: number of lamps, thermostats);

NOTE: The Department recommends that the universal waste area is inspected when placing wastes in the area to ensure that the area is in compliance with the rules and to minimize exposures to toxic releases.

- c. A small universal waste generator is not required to notify the Department of this activity, as provided in 3A(13)(e)(xvi); and
 - d. Records related to personnel training and proof of recycling may be retained by the instate consolidation facility in lieu of a small universal waste generator as provided in 3A (13)(e)(xix), and under such circumstances the reporting requirements in 3A(13)(e)(xx) would not apply to the small universal waste generator.
- (xxii) In addition to 13(c), (d) and (e) above, cathode ray tubes (CRT) must also be managed in accordance with the following requirements:
- a. Pack CRT in containers, boxes, gaylord, or another acceptable container method approved by the Department that will contain any breakage. CRTs must have packing materials adequate to prevent breakage during storage, handling and transportation;
 - b. Seal securely, such as with tape, around the box openings of all full boxes and immediately if incidental breakage should occur;
 - c. Do not stack containers or boxes of CRT's more than five feet in height;
 - d. Store CRT's in an inside, dry area not exposed to weather;
 - e. Mark the container or box with the words "Waste Cathode Ray Tube";
 - f. Designate each waste CRT storage area by a clearly marked sign, which states. "Waste Cathode Ray Tube Storage" or Universal Hazardous Waste Storage;"
- (xxiii) In addition to 13(c), (d) and (e) above, lamps must also be managed in accordance with the following requirements:
- a. Pack lamps in containers or boxes with packing materials adequate to prevent breakage during storage, handling, and transportation;
 - b. Seal securely, such as with tape, around the box openings of all full boxes and immediately if incidental breakage should occur;
 - c. Do not stack containers or boxes of lamps more than five feet in height;
 - d. Store lamps in an inside, dry area not exposed to weather;
 - e. Mark the container with the words "Waste Lamps";

- f. Designate each waste lamp storage area by a clearly marked sign which states "Waste Lamp Storage" or "Universal Hazardous Waste Storage";
- (xxiv) In addition to 13(c), (d) and (e) above, mercury devices must also be managed in accordance with the following requirements:
- a. Pack mercury devices in rigid, sealable containers with packing materials adequate to prevent breakage during storage, handling, and transportation;
 - b. Store mercury devices in an inside, dry area not exposed to weather;
 - c. Mark the containers with the words "Waste Mercury Devices";
 - d. Designate each mercury device storage area by a clearly marked sign which states "Waste Mercury Device Storage" or "Universal Hazardous Waste Storage";
- (xxv) In addition to 13(c), (d) and (e) above, mercury thermostats must also be managed in accordance with the following requirements:
- a. Pack mercury thermostats in rigid, sealable containers with packing materials adequate to prevent breakage during storage, handling, and transportation;
 - b. Store mercury thermostats in an inside, dry area not exposed to weather;
 - c. Mark each container with the words "Waste Mercury Thermostats";
 - d. Designate each waste thermostat area by a clearly marked sign which states "Waste Mercury Thermostat Storage" or "Universal Hazardous Waste Storage"; and
- (xxvi) In addition to 13(c), (d), and (e) above, motor vehicle mercury switches must also be managed in accordance with the following requirements:
- a. Pack switches in rigid, sealable containers with packing material adequate to prevent breakage during storage, handling, and transportation;
 - b. Store switches in an inside, dry area not exposed to the weather;
 - c. Mark the container with the words "Waste Motor Vehicle Switches";
 - d. Designate each waste motor vehicle mercury switch storage area by a clearly marked sign which states "Waste Motor Vehicle Switch Storage" or "Universal Hazardous Waste Storage";
 - e. A motor vehicle switch generator may accumulate 4,000 motor vehicle mercury switches before becoming a large universal waste generator. The 200 item limit would continue to apply to all other universal waste items;
 - f. In addition to 3A(13)(e)(xiii) above, a motor vehicle switch generator must ship off its motor vehicle mercury switches at least every three years whether or not the container is full.

- (xxvii) In addition to 13(c), (d) and (e) above, totally enclosed, non leaking PCB ballast must also be managed in accordance with the following requirements:
- a. Pack ballasts in rigid, sealable containers with packing materials adequate to prevent breakage during storage, handling, and transportation;
 - b. Store ballasts in an inside, dry area not exposed to the weather;
 - c. Mark containers with the words "Waste PCB Ballasts"
 - d. Designate each waste ballast storage area by a clearly marked sign which states "Waste PCB Ballast Storage " or "Universal Hazardous Waste Storage";
- (f) A central accumulation facility must comply with the following requirements:
- (i) properly track the universal waste via a manifest in accordance with Chapter 857, via a Recyclable Hazardous Material Uniform Bill of Lading in accordance with Section 6B of Chapter 857, or by a shipping log in accordance with Section 13 of Chapter 857;
 - (ii) Obtain an EPA ID number as outlined in Subsection (e)(xvi) or if handling less than 5,000 kg notify the Department on a waste notification form provided by the Department;
 - (iii) ship to a consolidation facility for universal waste or a properly approved recycling facility for universal waste, or in the case of ballasts and the residues from mercury spill kits to a properly approved disposal or treatment facility within one year of receipt of the waste.
 - (iv) sections 3A(13)(c),(d),(e) (i-ii),(iv-xi),(xiv),(xv),(xvii-xx),(xxii-xxvii);
 - (v) mark each container with the date the universal waste is received at the facility;
 - (vi) maintain an inventory system on-site that identifies the date and manifest or Uniform Bill of Lading number (if applicable) for each universal waste container or group of containers that is received at the facility and the date and manifest or Uniform Bill of Lading number (if applicable) for each waste container or group of containers that is shipped from the facility; and
 - (vii) conduct closure of the facility in accordance with Chapter 851, Section 11. The Department may waive the independent professional engineer certification requirement for transfer stations that only managed lamps and cathode ray tubes, and that have documented that no releases occurred at the transfer station that were not properly cleaned up.

NOTE: In certain circumstances it may be possible to fulfill the provisions of this section and the transfer station closure provision in one document.

- (g) A consolidation facility must comply with the following requirements:

- (i) ship to a properly approved recycling facility for universal waste, or in the case of ballasts and the residues from mercury spill kits to a properly approved treatment or disposal facility within one year of receipt of waste.
 - (ii) Section 3A(13)(c),(d),(e)(i)-(xi),(xiv), (xv), (xvii)-(xx), (xxii)-(xxvii);
 - (iii) Obtain an EPA ID number as outlined in Subsection (e)(xvi);
 - (iv) Mark each container with the date the universal waste is received at the facility;
 - (v) Maintain an inventory system on-site that identifies the date and manifest or Uniform Bill of Lading number (if applicable) for each universal waste container or group of containers that is received at the facility and the date and manifest or Uniform Bill of Lading number for each waste container or group of containers that is shipped from the facility;
 - (vi) Conduct closure of the facility in accordance with Chapter 851, Section 11.
- (h) Notwithstanding (e),(f), and (g) above, the Department may on a case by case basis approve alternative standards in the case of a manufacturer's sponsored product take back program, also known as a "product stewardship" program or other similar manufacturer sanctioned collection program. A criteria of any approval under this subsection must include an annual report from the manufacturer on the amount of the particular product collected through this program in the state and the program must meet the federal universal waste requirements of 40 CFR 273 revised as of July 1, 1999.
- (i) A small universal waste generator that generates greater than 200 lamps or thermometers per month or at any one time under:
- (i) a Green Lights Program or other similar energy conversion program that is completed within a six month period; or
 - (ii) a single short term event of a maximum of five consecutive days per year for the collection of mercury thermometers, or such other period of time approved by the Department,

must comply with the following requirements:

- (a) Ship the lamps or thermometers directly to a properly approved recycling facility for universal waste on a manifest or Recyclable Hazardous Materials Uniform Bill of Lading; and
- (b) Comply with all other requirements for a small universal waste generator for the Green Lights and thermometer collection event universal wastes except for the EPA ID notification requirement of Section 3A13(e)(xvi).

- (14) Special requirements for certain batteries.

Batteries that are described in 40 CFR 273.2 revised as of July 1, 2001 must be managed in accordance with 40 CFR 273 revised as of July 1, 2001, except that references to 40 CFR Parts 260 through 272 shall mean 850 through 857 of the Maine Hazardous Waste Management Rules and except that 40 CFR 273.8(a)(2) is not adopted, and instead, batteries handled by federally conditionally exempt small quantity generators are regulated as small quantity handlers pursuant to 40 CFR 273 Subpart B. In addition, instead of 40 CFR 273.2(c), a battery becomes a waste on the date that it becomes useless, unwanted, or intended for disposal, and spent lead acid batteries described in 40 CFR 273.2(a)(2) and 273.2(b)(1) are regulated under 850 through 857 instead of 40 CFR part 266, subpart G.

Chapter 851, Section 9:

F. A generator who handles his hazardous waste on the site of its generation shall submit an Annual Report covering those wastes including any universal wastes:

- (1) In accordance with the provisions of Chapter 854, Section 6C(11);
- (2) To the Department;
- (3) No later than March 1st for the preceding calendar year.

Except that a generator shall not be required to file an annual report if the only hazardous wastes generated are universal wastes.

Chapter 853:

10. Persons not required to obtain a license.

A. A person may transport PCBs which are contained in a totally enclosed manner in PCB equipment without using a licensed hazardous waste transporter provided that the PCBs are not discarded or intended to be discarded. In addition, a person who discharges or suffers a discharge of PCBs or who generates PCB contaminated material as a result of routine servicing of off-site PCB containing equipment may transport that PCB waste to an instate facility with an approved PCB management plan or to a Maine hazardous waste facility licensed to handle PCBs without using a licensed hazardous waste transporter provided that the facility is under the control of the entity who has care or custody of or who owns the PCB waste.

B. A person may transport universal wastes via a common carrier without using a licensed hazardous waste transporter provided the transporter complies with the requirements of Section 11..

NOTE: Transporters of universal waste must also comply with the handler requirements of Chapter 850, 3A(13)(c).

11. Universal Waste Transporter Requirements

- A.** A transporter shall not mix universal wastes of different DOT shipping descriptions by placing them into a single container.
- B.** A transporter shall not remove universal waste from the container in which it was placed once it is moved from the site of generation until it is accepted at the central accumulation facility or destination facility, unless specifically authorized to do so by the Commissioner.

- C. A transporter shall not transport universal waste in any manner which could endanger public health, safety or welfare or the environment,
- D. A transporter shall not transport foodstuffs for human or animal consumption in a conveyance in which universal waste has been or is being transported if the foodstuffs might come in contact with the universal waste.

NOTE: The Department discourages the transport of foodstuffs in the same conveyance with universal wastes.

- E. A transporter shall not transport universal waste to a waste facility other than a facility for universal waste which is authorized to handle the waste under a State program, and if applicable the federal hazardous waste regulatory program, and which is one of the types of facilities referenced in 850, 3A(13)(c)(ii).
- F. A conveyance in which universal waste is transported may be inspected at any time for compliance with the applicable standards set forth in these rules and for adequacy for safe transportation of universal waste. Inspection may be made by a public safety officer or any authorized representative of the Department. A conveyance found to be not in compliance with this rule or otherwise unsafe shall not thereafter be operated except under the direction of a public safety officer or an authorized representative of the Department, or until corrective actions are taken to correct the problem to the Department's satisfaction.
- G. A transporter shall hold all other local, state and federal permits, licenses and certifications as are necessary for the universal waste activity as they relate to business conducted in Maine, and shall comply with all state and federal law and rules applicable to its license activity.
- H. A transporter shall have in force at all times liability insurance coverage with limitation of liability appropriate for the transporting of universal waste and the risk involved, but in no case less than \$1,000,000 annual aggregate on coverage. Municipalities, state and federal governments, and small universal waste generators are exempt from the liability insurance requirement.
- I. A transporter shall comply with all applicable state and federal requirements regarding the use of a manifest, bill of lading, or when applicable log for transportation of universal waste.
- J. A transporter shall comply with all state and federal inspection and training requirements as may from time to time be applied by law or rule to its license activity.
- K. A transporter shall have a plan for the types of wastes transported and be capable of carrying out the plan, for the clean up of discharges of universal waste. The plan shall include the requirements of Chapter 850, Section 3(A)13(e)(viii) and (ix) as well as the emergency telephone number for reporting spills to the Maine Department of Public Safety (State Police). The conveyance operator shall be familiar with the clean up plan and the types of wastes being carried on the vehicle, shall be capable of carrying out the plan, and shall have a copy of the clean up plan in his/her possession. The transporter shall provide to the Department and to public safety agencies all information necessary for response to emergency situations involving universal waste activity. In the event of a discharge of universal waste during transportation which releases universal wastes from the primary container, the transporter shall implement its clean up plan taking immediate appropriate action to protect public health and safety and the environment and shall immediately report the discharge to the Maine Department of Public Safety

by calling, 1-800-452-4664, or (207) 624-7000 and where required, shall report as provided in Chapter 857, Section 8F(3)-(6) of the Department's rules.

NOTE: The Department will make available for small universal waste generators a generic clean up plan.

- L.** A transporter shall not accept for transport or transport universal wastes which are unlabeled or which are in damaged, bulging, leaking, unsuitable or otherwise unsafe containers, nor accept for transport or transport any wastes which are incompatible with each other such that a danger to public health or safety or the environment could result from their being transported together.
- M.** It is the duty of the transporter to ensure that the transportation be carried out in safety and without creating or threatening danger to public health or safety.
- N.** The transporter shall assist the Department in obtaining compliance with this rule.
- O.** A transporter shall comply with the export and import requirements of Chapter 857.

NOTE: Transporters may only send universal wastes to a recycling facility, a consolidation facility, or a central accumulation facility for universal wastes, except for ballasts and the residues from mercury spill kits which may go to a properly approved treatment, storage or disposal facility.

- P.** A transporter shall be considered a generator of universal waste and shall comply with the requirements of Chapter 851 if the transporter transports universal waste into or through the State of Maine from a foreign country.
- Q.** A transporter shall comply with all applicable U.S. Department of Transportation regulations in 49 CFR part 171 through 180 for the transport of any universal wastes that meets the definition of hazardous materials in 49 CFR 171.8. Some universal waste materials are regulated by the Department of Transportation as hazardous materials because they meet the criteria for one or more hazard classes specified in 49 CFR 173.2. When using the Recyclable Hazardous Materials Uniform Bill of Lading, the universal wastes may not be described by the DOT proper shipping name: hazardous waste, (l) or (s), n.o.s.", nor may the hazardous material's proper shipping name be modified by adding the word "waste".

NOTE: The label on the universal waste containers can use the word "waste". It is only the shipping document that cannot use the word "waste".

Chapter 857

Section 6:

- B.** A person may transport universal wastes without using a manifest, provided that the Uniform Bill of Lading referenced in Section 4 or an alternative form approved by the Department, or for small universal waste generators and central accumulation facilities the log requirements of Section 13, are utilized. For the purposes of administering this Section, where the rule in Sections 5, 7, 8, and 9 states "manifest" it shall be replaced with "Manifest or Uniform Bill of Lading".

Section 12:

Department's Hazardous Waste Manifest and Uniform Bill of Lading for Hazardous Recyclable Material Copies: Where to Send. Generators, transporters and owners and operators of waste facilities for hazardous waste shall send copies of the manifest or Uniform Bill of Lading or other form approved for use by the Department as required by this rule to the Department at:

Hazardous Waste Manifest
Bureau of Remediation and Waste Management
Department of Environmental Protection
State House Station #17
Augusta, Maine 04333

13. Log Requirements

In lieu of a manifest or Uniform Bill of Lading, an instate small universal waste generator or instate central accumulation facility operator may utilize a log system of tracking provided the following requirements are met:

A. For a small universal waste generator:

- (1) the waste is sent to either an instate central accumulation facility or instate consolidation facility;
- (2) all the required universal waste information pursuant to Section 13 B(4) below is recorded on the log sheet upon the generator's arrival at the facility; and
- (3) the instate consolidation facility submits the quarterly waste tracking information to the Department on a timely basis.

B. For a central accumulation facility:

- (1) the waste is sent to an instate consolidation facility;
- (2) in the case of transfer stations and recycling centers the operator ensures that all the universal waste information is recorded on the log sheet;
- (3) the log sheet accompanies the universal waste to the instate consolidation facility;
- (4) the log sheet contains at a minimum the following information:
 - (a) name, address and phone number of generator or in the case of a household, the notation that it is from a household in lieu of a specific name, address and phone number;

- (b) date universal waste was delivered to facility; and
- (c) type and quantity of universal waste delivered; and
- (5) the consolidator submits the quarterly waste tracking information to the Department on a timely basis.

C. For the instate consolidation facility:

- (1) the facility ensures that the log sheets are accurately completed;
- (2) on a quarterly basis, a waste tracking document will be submitted to the Department in a format specified by the Department.